

REMARKS/ARGUMENTS

Claims 1-14 are pending in the application and have been rejected. Claims have been amended. Applicant respectfully requests reconsideration.

Rejections under 35 U.S.C. §102.

The Office Action has rejected claims 1-18 under 35 U.S.C. §102 as being anticipated by Bates et al (U.S. Patent 6,721,953, hereafter, "Bates"). Applicant respectfully traverses the rejection for the following reasons.

Claim 1 relates to a method comprising: adding to a first set of broadcasted programs a second set of broadcasted programs, the second set of broadcasted programs including broadcasted programs viewed by a viewer for a period of time at least equal to a first threshold; and removing from the first set of broadcasted programs a third set of broadcasted programs, the third set of broadcasted programs including broadcasted programs not viewed by a viewer for a period of time at least equal to a second threshold. Bates neither teaches nor suggests removing from the first set of broadcasted programs a third set of broadcasted programs, the third set of broadcasted programs including broadcasted programs not viewed by a viewer for a period of time at least equal to a second threshold. The Office Action contends that Bates teaches this limitation at col. 8, lines 19-34. However, that part of Bates teaches only that favorites table "may be kept at a fixed maximum size, with programs having the lowest counts periodically deleted as new favorite programs are found." By contrast the claimed invention requires the unconditional removal of a set of broadcast programs not viewed by the viewer for a period of time at least equal to a second threshold and not deleted as new programs are found.

Claims 2, 8, and 14 require adding to the first set of broadcasted programs a fourth set of broadcasted programs manually selected by the viewer. Col. 8, lines 19-33 does not teach or disclose this limitation. All that Bates teaches is automatic updating of

programs.

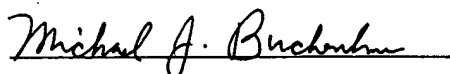
Claims 3, 9, and 15 require updating the first threshold and the second threshold upon the viewer indicating dissatisfaction. The Office Action cites col. 8, lines 1-5. It says nothing about the viewer indicating dissatisfaction.

Claims 4, 9, and 15 require updating the first threshold and the second threshold upon the viewer returning to a schedule list more than a predetermined number of times. The Office Action cites col. 11, lines 55-56 and col. 12, lines 1-10. Those sections say nothing about updating any threshold. Col. 11, lines 55-56 speaks of inserting a delay and col. 12, lines 1-10 only speaks generally of manners of indicating a user selection.

Claims 6, 12, and 18 require adding to the first set of broadcasted programs a fifth set of broadcasted programs, the fifth set of broadcasted programs including broadcasted programs selected by a viewer a number of times at least equal to a third threshold; and removing from the first set of broadcasted programs a sixth set of broadcasted programs, the sixth set of broadcasted programs including broadcasted programs not selected by a viewer a number of times at least equal to a fourth threshold. The Office Action cites col. 7, lines 60-67 to col. 8, lines 1-5. Those parts of Bates have nothing to do with a fourth, fifth or sixth set of programs or their corresponding thresholds as claimed. Rather they relate to the original sets of thresholds as interpreted by the examiner.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael J. Buchenhorner", is written over a horizontal line.

Michael J. Buchenhorner

Reg. No. 33,162

Date: February 16, 2006


HOLLAND & KNIGHT LLP
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, FL 33131
(305) 789-7773 (voice)
(305) 789-7799 (fax)

Date: February 16, 2006



Certificate of First-Class Mailing

I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein, are being deposited with the United States Postal Office on the date set forth below with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.


Michael J. Buchenhorner

Date: February 16, 2006

3594626_v2